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ADMITTED IN NEW YORK  
AND NEW JERSEY

June 2, 2020

**Via ECF**

USPO Alyssa Lopez  
147 Pierrepont Street  
Brooklyn, NY 11201

**Re: United States v. Benjamin BiFalco**  
19-CR-444 (ILG)

Dear USPO Lopez:

Kindly accept this letter as defendant Benjamin BiFalco's objections to the PSR forwarded to me on May 19, 2020.

- **Paragraph 8:** “ ... *which indicates that the scheme was executed*”. This sentence should be corrected to state the fact that the college team losing by *less* than 17 points indicates that the scheme was not executed by the players. In other words, and to be clearer, losing by *more* than 17 points would indicate the scheme *was* executed. The original sentence as written may confuse the Court.
- **Paragraph 8 and elsewhere within Offense Conduct Section of the PSR (Paragraphs 3 – 8):** Notwithstanding the listed conversations that Mr. BiFalco had on December 12, 2018 and December 16, 2018 with Amato, Jr., Mr. BiFalco, in fact, *never* paid any players any money. In short, he was lying to Amato, Jr. about having already paid \$7,500 toward a \$15,000 promise and inappropriately boasting to Amato, Jr. about having paid them half the money. As part of the proof on this issue, the Government has provided me with a *Brady Letter* confirming evidence that they have obtained which states that “one or more” of the

players denied receiving any money. Additionally, it is my understanding from the same *Brady* material provided and from conversations from AUSA Geddes about the *Brady* material that at least one or both of the other two players denied even discussing the game with Mr. BiFalco at all. Further, Mr. BiFalco denies having paid any players any money, whatsoever.<sup>1</sup>

- **Offense Conduct Section:** Mr. BiFalco denies having ever made any actual wagers on the game.<sup>2</sup> Additionally, the Government has not been able to identify any bets that Mr. BiFalco placed on the game as also per the *Brady Letter* provided by the Government. A paragraph should be added reflecting the issue that the game was not wagered in any way by anyone associated with this attempted scheme. In fact, the Government has information from other Amato, Jr. recorded conversations with other individuals that completely dismiss the purported scheme. The other recorded conversations of Amato, Jr. speaking with another individual state, “*Ok, I wouldn’t trust the game I was telling you about*” and “*I’m not touching it personally*”, a clear indication that no money was ever wagered.

Please call if you have any questions or concerns.

Very truly yours,

*Vincent Martinelli*

Vincent J. Martinelli

VJM/meb

CC: AUSA Elizabeth Geddes (via email without attachments)  
US Probation Officer Alyssa Lopez (via email with attachments)

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<sup>1</sup> See Plea Transcript at Pages 12-13.

<sup>2</sup> See Plea Transcript at Pages 12-13.